

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

MUHSIN SHARIF,

Plaintiff,

No. 6:22-cv-01522-MK

v.

ORDER

ALEC SWINDLING, *et al.*,

Defendants.

AIKEN, District Judge.

On November 20, 2023, Magistrate Judge Mustafa T. Kasubhai filed a Findings and Recommendation (“F&R”) recommending that Defendant City of Eugene's Motion for Judgment on the Pleadings, ECF No. 12, should be granted. The remaining individual Defendants' Motion for Summary Judgment, ECF No. 12, should be granted. Judge Kasubhai also recommended that Plaintiff's Motion for Summary Judgment, ECF No. 30, should be denied.

Under the Federal Magistrates Act, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate judge's findings and recommendations, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

For those portions of a magistrate judge's findings and recommendations to which neither party has objected, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) ("There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate's report to which no objections are filed."). Although no review is required in the absence of objections, the Magistrates Act "does not preclude further review by the district judge[] sua sponte . . . under a de novo or any other standard." *Id.* at 154. The Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that "[w]hen no timely objection is filed," the court should review the recommendation for "clear error on the face of the record."

In this case, Plaintiff filed objections to Judge the F&R. ECF No. 38. Defendants responded. ECF No. 39. The Court has reviewed the record, the F&R, the Objections, and Response and finds no error. The F&R, ECF No. 36 is therefore ADOPTED. Defendant City of Eugene's Motion for Judgment on the Pleadings, ECF No. 12, is GRANTED. The remaining individual Defendants' Motion for Summary Judgment, ECF No. 12, is GRANTED. Plaintiff's Motion for Summary Judgment, ECF No. 30, is DENIED.

It is so ORDERED and DATED this 26th day of April 2024.

/s/Ann Aiken
ANN AIKEN
United States District Judge